

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SARA GOGOLACK,
Plaintiff,

06-CV-0476E(Sc)

-vs-

ORDER

MICHAEL J. ASTRUE, Commissioner of
Social Security,
Defendant.

The Honorable Hugh B. Scott, a Magistrate Judge in this judicial district, having conducted all proceedings necessary to determine the merits of factual and legal issues presented in this matter pursuant to this Court's referral under 28 U.S.C. §636(b)(1)(B), and having on July 17, 2007 filed his Report and Recommendation concerning such and no objection thereto having been made, it is hereby

ORDERED that said Report and Recommendation is fully confirmed, that the plaintiff's motion for judgment on the pleadings is granted, that the defendant's motion for judgment on the pleadings is denied and that the Commissioner's decision reversed and this matter is remanded to the Commissioner for further administrative proceedings.

DATED: Buffalo, N.Y.

August 20, 2007

/s/ John T. Elfvin
JOHN T. ELFVIN
S.U.S.D.J.